IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 15020 of 2007(K)

PETITIONER:

P.A. MOHAMMED NAJEEB,
MANAGING PARTNER, ABBAS CASHEW COMPANY,
KALLUMTHAZHAM P.O., KILIKOLLUR, KOLLAM.

BY ADV. SRI.K.SUBASH CHANDRA BOSE

RESPONDENTS:
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1. STATE OF KERALA,
   REPRESENTED BY HOME SECRETARY, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE, KOLLAM.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
   KOLLAM.

4. THE CIRCLE INSPECTOR OF POLICE,
   EAST POLICE STATION, KOLLAM.

5. S. RADHAKRISHNAN,
   SECRETARY, CASHEW WORKERS CENTRE (UTUC-L.S),
   MULLASSERIL BUNGLOW, NEAR ATTONMENT HOSPITAL,
   PERUMPUZHA P.O., KOLLAM.

6. JAYAKUMAR S. (DRIVER),
   DIVYA BHAVAN, PUNUKKANNUR, ALUMMOODU P.O.,
   MUKATHALA, KOLLAM.

7. NIZAR (CLEANER),
   VAZHAKOOTTATHIL KIZHAKKATHIL, VALATHUNGAL,
   ERAVIPURAM, KOLLAM.

8. ANILKUMAR (DRIVER),
   KOCHUMELATHIL VEEDU, CHENTHAPOORU,
   DECENT JUNCTION P.O., KOLLAM.

9. SAINALABUDEEN (CLEANER),
   KANNIMEL VEEDU, PANTHRANDUMURI, THATTAMALA P.O.,
   KOLLAM.

10. OMANAKUTTAN PILLAI (DRIVER),
CHARUVILA PUTHEN VEEDU (CHAITHRAM),
ALUMMOODU P.O., MUKATHALA, KOLLAM.

11. RENJEESH C. (CLEANER),
KOYIVELIL VEEDU, ALUMMOODU P.O., MUKATHALA,KOLLAM.

12. BHASKARAN V. (DRIVER),
VILAYIL VEEDU, KOCHUDECENT MUKKU,
PUNTHALATHAZHAM NAGAR, KILIKOLLUR P.O., KOLLAM.

13. DILEEP (CLEANER),
CHENAVILA VEEDU, PUNUKKANNUR, ALUMMOODU P.O.,
MUKATHALA, KOLLAM.

ADDL. 14. THE DISTRICT LABOUR OFFICER,
KOLLAM.

(ADDL.R14 IS IMPLEADED AS PER ORDER DTD. 11/5/2007
IN I.A.NO.6318/2007)

R1 TO R4 BY GOVT.PLEADER SRI P.A.SALIM.

R5 TO R7 & R10 TO R13 BY ADV. SRI.K.S.MADHUSOODANAN
R14 BY ADV. SRI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE LETTER SHOWINGL THE ALLOTMENT OF IMPORT-EXPORT CODE DATED 7/5/1996.

EXT.P2 TRUE COPY OF THE CERTIFICATE OF RECOGNITION DATED L28/10/2004.

EXT.P3 TRUE COPY OF THE CERTIFICATE OF REGISTRATION-CUM-MEMBERSHIP ISSUED ON 2/6/2006.

EXT.P4 TRUE COPY OF THE CONTRACT DETAILS FOR EXPORT FOR THE MONTH OF MAY, 2007.

EXT.P5 TRUE COPY OF NOTICE AND OTHER DETAILS SENT TO THE LABOUR AND OTHER AUTHORITIES.

EXT.P6 TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT LDTD. 8/5/2007.

EXT.P7 TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE 4TH RESPONDENT DATED 8/5/2007.

EXT.P8 TRUE COPY OF THE NOTICE RECEIVED FROM THE OFFICE OF DISTRICT LABOUR OFFICER, KOLLAM.

EXT.P9 TRUE COPIES OF THE DELIVERY NOTES SHOWING THE RESPONDENTS 6, 8, 10 AND 12 WORKED AS DRIVERS IN THE LORRIES SOLD BY THE PETITIONERS.

EXT.P10 TRUE COPIES OF VEHICLE SALE AGREEMENTS DATED 5TH MAY, 2007.

EXT.P11 TRUE COPIES OF PERMIT IN THE NAME OF TRANSFEREE AND THE ENTRY SHOWING THE TRANSFER OF OWNERSHIP OF THE VEHICLE BEARING KL-2F-7524.

EXT.P12 TRUE COY OF LETTER DATED 11/5/2007.

EXT.P13 TRUE COPY OF THE STATEMENT DATED 28TH MAY, 2007 SUBMITTED BEFORE THE REGIONAL JOINT LABOUR COMMISSIONER.

EXT.P14 TRUE COPY OF THE PAPER REPORT APPEARED IN THE KERALA KAUMUDI DAILY DATED 24/5/2007.

EXT.P15 TRUE COPY OF THE PAPER REPORT APPEARED IN THE MALAYALA MANORAMA DAILY DATED 27/5/2007.

EXT.P16 TRUE COPY OF THE PAPER REPORT APPEARED IN MADHYAMOM DAILY DATED 28/5/2007.

EXT.P17 TRUE COPY OF THE REPRESENTATION DATED 30/5/2007.

RESPONDENTS' EXTS:

EXT.R5A PHOTOCOPY OF THE INSPECTION REPORT OF ENFORCEMENT DLO, KOLLAM FORWARDED BY THE ALO, IIND CIRCLE, KOLLAM TO THE PETITIONER ON 18/5/2007.

EXT.R5B SERIES: PHOTOCOPY OF THE REGISTRATION PARTICULARS OF 4 LORRIES BELONGING TO THE PETITIONER SUPPLIED BY R.T.O., KOLLAM.

EXT.R5C PHOTOCOPY OF THE NOTICE LOF BILATERAL MEETING ISSUED BY THE MANAGER OF THE PETITIONER DATD 26/4/2007.

EXT.R5D PHOTOCOPY OF THE LCHEQUE FOR RS.12,738/- ISSUED TO RENJISH DATED 5/5/07.

EXT.R5E PHOTOCOPY OF THE CONCILIATION PETITION TO THE D.L.O., KOLLAM DATED 8/5/2007.

EXT.R5F SERIES: PHOTOCOPY OF THE CONCILIATION NOTICE ISSUED DLO, KOLLAM BEARING NO.IR(2)1573/07.

EXT.R5G PHOTOCOPY OF PETITIONER'S COMPLAINT TO DY.S.P., KOLLAM DATED 10/5/2007.

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO.15020 OF 2007

Dated this the 21st day of June, 2007

JUDGMENT

Raman,J.

There is a dispute between the parties regarding the validity of the retrenchment of the employees including respondents 6 and 7. The matter is stated to be pending conciliation before the Regional Labour Commissioner, Kollam, as could be seen from Ext.P13 produced along with the reply affidavit. The dispute pertains to a case of 8 workmen of Abbas Cashew Company. We have already passed an interim direction to respondents 1 to 4 to give adequate and effective protection to the petitioner, the other partners and workers of the firm to ingress and egress of vehicles carrying processed cashew meant for export and for the peaceful functioning of the head office and packing unit of the firm 'Abbas Cashew Company' at Kallumthazham, Kilikollur, Kollam. Initially the interim order was passed for a period of one month. It is subsequently extended from time to time.

2. Heard both sides.

3. In the facts and circumstances of the case, we direct the

Regional Labour Commissioner, Kollam to expedite the conciliation proceedings in accordance with the provisions of the Industrial Disputes Act, within a period of three weeks. The interim order is made absolute.

Writ Petition is closed.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.